

Mackenzie Reed-Kadow

From: Deborah Neuser
Sent: Thursday, April 16, 2020 8:36 AM
To: Mackenzie Reed-Kadow
Subject: FW: A20-00016 Ord to Allow Pedal Pubs in the City of Manitowoc
Attachments: Ord to Create 11.docx

From: Elizabeth Majerus
Sent: Thursday, April 16, 2020 8:30 AM
To: Amber Noworatzky <anoworatzky@manitowoc.org>; Deborah Neuser <dneuser@manitowoc.org>
Cc: Jane Rhode <jrhode@manitowoc.org>
Subject: A20-00016 Ord to Allow Pedal Pubs in the City of Manitowoc

Good Morning,

Attached is an ordinance that I think needs to go through both Finance (new license) and Public Safety (new law enforcement issue) Committees. I don't know which Committee is meeting first so I guess, please see attached. I believe KM staffs the Finance meeting and can answer any questions raised there. I staff the Public Safety meeting and will be available for questions as well.

Thanks,
Liz

**** Attached file(s):**
Ord to Create 11.docx



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ORDINANCE

An Ordinance to create Section 11.180 of the Manitowoc Municipal Code regulating Commercial Quadricycles.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 11.180 is created to read as follows:

"11.180 Commercial Quadricycles (Pedal Pubs)

(1). Definitions. The following words, when used in this section, shall have the following meanings:

Applicant means the owner of a Commercial Quadricycles seeking to obtain a Commercial Quadricycle License.

Commercial Quadricycle means a vehicle with fully operative pedals for propulsion entirely by human power, that has 4 wheels and is operated in a manner similar to a bicycle, that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle, that is used for commercial purposes, and that is operated by the vehicle owner or an employee of the owner.

Driver means a person who is at least 18 years of age, holds a valid driver's license, and who is responsible for steering and all other operations and functions of a Commercial Quadricycle. "Driver" does not mean those passengers who are pedaling or have the opportunity to pedal.

Fermented Malt Beverages means any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5 percent or more of alcohol by volume.

License means a Commercial Quadricycle License issued in accordance with this Section.

Licensee means an Applicant who has obtained a Commercial Quadricycle License.

(2). License Required. No Commercial Quadricycle shall be operated within the City of Manitowoc without a License. Licenses are issued on a calendar year basis and expire on December 31 of each year. There shall be no pro rata or other reductions for applications made, or for the termination of operations during the calendar year. Licenses are non-transferrable and issued one per Commercial Quadricycle. If an Applicant owns more than one Commercial Quadricycle, the Applicant shall obtain a License for each prior to commercial use. The License shall be prominently displayed on the Commercial Quadricycle so that the public, passengers, and City employees or representatives may easily view the content of the License.

(3). License Application. Applicants for a License shall submit an application on a form provided by the City Clerk and shall pay a nonrefundable application fee of \$100.00. There will be no additional fee in the event a License is issued.

a. Applications shall include the following minimum information:

1. Name, address, and telephone number of the applicant. If the applicant is a legal entity, then the application shall also identify the person who is authorized to act in all respects for the entity.

2. The serial number of the Commercial Quadricycle to be licensed, the number of persons the Commercial Quadricycle is designed to carry, and a photograph of the Commercial Quadricycle to be licensed.

3. A detailed description and map of the proposed route(s) on which the Commercial Quadricycle is to be operated, including the location of where

passengers will be picked up and dropped off and where the Commercial Quadricycle is intended to be parked.

4. Proof of liability and property insurance in amounts and in the form required by the City at the time of application.

5. All additional information as the City may require.

- b. The City Clerk shall forward the application to the Common Council with a report and a recommendation. Prior to forwarding the application to Common Council, the City Clerk may consult with the applicant, City Departments, City Boards, City Commissions, or others deemed by the City as having information that may assist the Common Council when making their decision on the application.
- c. Prior to the issuance of any License, the Commercial Quadricycle shall be examined by the City of Manitowoc Police Department. If the Commercial Quadricycle is found to be in a satisfactory and safe condition for the transportation of passengers, in clean and good appearance, and in compliance with all other provisions of this section and State law, the Police Department shall file a report with the City Clerk confirming compliance. If such examination shows that the Commercial Quadricycle is not in satisfactory condition, the Police Department shall file a report of noncompliance and the License shall not be issued.
- d. If the application is approved by the Common Council, and a report of compliance is received from the Manitowoc Police Department, the City Clerk shall issue a written License for the Commercial Quadricycle.
- e. A Licensee shall comply with the route(s) and other conditions of the License. New or temporary routes, or other changes of terms, must be approved by the Common Council by filing an amended application with the City Clerk. There shall be no fee for amended applications from the same Licensee.

(4) License Denial, Revocation, and Appeals. Applications for a License may be denied by the Common Council if it appears that approval of the application will, for any reason, be detrimental to the public health, safety, and/or welfare. Decisions of the Common Council shall represent the final decision of the City and as such, may be appealed as otherwise allowed by law. Any Commercial Quadricycle License may be revoked by the Common Council for one or more of the following reasons:

- a. The Licensee, including any owner, manager, agent, or employee of the Licensee, has violated the terms of the License, or any provision of this section, or any other rule, regulation, or code that applies to Commercial Quadricycles, including State law.
- b. The Licensee, including any owner, manager, agent, or employee of the Licensee has been convicted of a felony or misdemeanor that substantially relates to the operation of a Commercial Quadricycle.

(5) Restrictions on Operations of Commercial Quadricycles.

- a. Commercial Quadricycles shall only be operated on routes specified in the approved License application.
- b. Commercial Quadricycles shall not use any public street or any other public property as a loading, unloading, parking, or waiting area unless such area is a legal motor vehicle parking space.
- c. Commercial Quadricycles shall not load or unload passengers in any traffic lane, or in any manner that will, in any way, adversely affect the safety of passengers or the public, or will impede or interfere with the orderly flow of traffic on the streets.
- d. Commercial Quadricycles shall not be occupied by passengers or available to carry passengers between 10:30 p.m. and 10:00 a.m.
- e. Commercial Quadricycles shall be operated in compliance with applicable state and local traffic and parking laws and in a manner so as to assure the safety of persons and property. Commercial Quadricycles shall have adequate lighting and reflectors to notify motor vehicle operators of their presence.
- f. Commercial Quadricycles shall have displayed on the most practicable visible rear area of the Commercial Quadricycle a slow moving vehicle emblem as described in Wis. Stat. § 347.245(2).
- g. Commercial Quadricycles shall be driven by persons having in their possession proof of insurance and a valid driver's license.
- h. No glass containers are allowed on a Commercial Quadricycle.

- i. Commercial Quadricycles shall refrain from playing amplified music, shouting, using noisemakers, or otherwise making noise in such a manner that the sound carries to nearby residences, businesses, or properties, and is audible above the level of conversational speech at a distance of 25 feet from the point of origin from the sound.
- j. Commercial Quadricycles shall not be driven by anyone that consumes alcohol while the Commercial Quadricycle is occupied by passengers, including any stops, breaks, or transport to and from active operations. Drivers of Commercial Quadricycles shall maintain absolute sobriety for the duration of the operating period.
- k. No alcohol beverages other than Fermented Malt Beverages, shall be carried or consumed on a Commercial Quadricycle.
- l. No alcohol beverages shall be sold on a Commercial Quadricycle. This includes the prohibition of delivery on the Commercial Quadricycle of alcohol beverages previously sold by a caterer.
- m. Each passenger on a Commercial Quadricycle may carry on to the Commercial Quadricycle up to 36 ounces of Fermented Malt Beverages. No other alcohol beverages may be possessed on, carried upon, or consumed on a Commercial Quadricycle by passengers. Any Fermented Malt Beverages brought on the Commercial Quadricycle may only be consumed on the Quadricycle and may not be removed from the Quadricycle at any time. This includes consuming the Fermented Malt Beverages between the Commercial Quadricycle and any licensed establishment.
- n. Any police officer of the City, County, or State may, at all reasonable times, inspect any Commercial Quadricycle that is licensed under this Article and may prohibit the use of any Commercial Quadricycle that is found to be unsafe, not in proper repair, or not otherwise in compliance with this Section or State law.

(6) Penalties. In addition to other fines, penalties, and/or charges that may be imposed under municipal code or State law, any person violating this Section shall be punishable by a forfeiture not to exceed \$75.00. Each day of violation shall be considered a separate offense. In addition, the City may enforce this Section by immediately revoking the License, seeking injunctive relief, and all other remedies available in law and equity.”

Section 2. This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____

 Justin M. Nickels, Mayor APPROVED _____

Fiscal Impact: Minimal fiscal impact- fees to cover cost
Funding Source: 1100-13100-431227
Finance Director Approval: SC
Approved as to form: /kmm

This resolution was drafted by Elizabeth Majerus, Assistant City Attorney.

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